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PATENT  
Attorney Docket No.: CIT1390-1

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hiroaki Shizuya Art Unit: 1636  
Application No.: 09/896,509 Examiner: M. Marvich  
Filed: June 28, 2001 Confirmation No.: 8122  
Title: METHODS FOR IDENTIFYING AN ESSENTIAL GENE IN A PROKARYOTIC MICROORGANISM

MAIL STOP AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

Sir:

Transmitted herewith for the above-identified application please find:

1. Response to the Notice of Non-Compliant Amendment mailed November 2, 2004 (13 pgs.) and
2. Return Receipt Postcard.

**CERTIFICATION UNDER 37 CFR §1.8**

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service with sufficient postage as first class mail on this date, November 17, 2004, in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Tamra L. White  
(Name of Person Mailing Paper)

*Tamra L. White* November 17, 2004  
(Signature) (Date)

In re Application of:  
Hiroaki Shizuya  
Application No.: 09/896,509  
Filed: June 28, 2001  
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Applicant claims **SMALL ENTITY** status in the above-identified application. Pursuant to 37 C.F.R. § 1.27, a verified statement claiming small entity status is not required.

The Fee for this Response is calculated as follows:

For	Claims Remaining After Amendment	Highest Number Previously Paid For	Extra Claims	Small Entity Rate	Large Entity Rate	Calculations
Total Claims	54	55	0	x \$09	x \$18	\$0
Independent Claims	3	3	0	x \$43	x \$86	\$0
Multiple Dependent Claim(s)	N/A			\$145	\$290	\$0
						<b>TOTAL FEE</b> <b>\$0</b>

No fee is deemed necessary in connection with the filing of this paper. However, if a fee is required, the Commissioner is hereby authorized to charge any required fee associated with the filing submitted herewith, or credit any overpayments, to Deposit Account No. 07-1896. A duplicate copy of this transmittal letter is enclosed.

Respectfully submitted,



Lisa A. Haile, J.D., Ph.D.  
Registration No. 38,347  
Telephone: (858) 677-1456  
Facsimile: (858) 677-1465

Date: November 17, 2004

GRAY CARY WARE & FREIDENRICH LLP  
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USPTO CUSTOMER NO. 28213



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Commissioner for Patents  
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**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

Sir:

In response to the Notice of Non-Compliant Amendment in the Office Communication mailed herein on November 2, 2004, please consider the following supplemental amendments and remarks:

Amendments to the Claims are reflected in the listing of claims, which begins on page two of this paper.

Remarks/Arguments begin on page twelve of this paper.

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I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service with sufficient postage as first class mail on this date, November 17, 2004, in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Tambra L. White (Name of Person Mailing Paper)	
Tambra L. White (Signature)	November 17, 2004 (Date)